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Supreme Court, U.S.
FILED

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NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

CLARENCE T. NALLS, JR. — PETITIONER

VS.

CHARLES B. PLATTSIMIERE, ET AL– RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS
FOR THE 5TH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Clarence T. Nalls Jr.

CLARENCE T. NALLS, JR.
8034 SCENIC HIGHWAY
BATON ROUGE, LOUISIANA 70807
(225) 774-6335

QUESTIONS PRESENTED FOR REVIEW

1. Did appellant alleged guilt of contempt of court absence a predicated order have a chilling effect on the right of advocacy as set forth by this court in the case of Maness v. Myers, 95 S. ct. 584(1975)?
2. Does a claim of racial discrimination defeat the Louisiana Disciplinary Board's claim of absolute quasi-judicial immunity?
3. Does a claim of conspiracy to violate one's right to violation of equal protection and due process of law strip defendants of an absolute prosecutorial immunity claim?
4. Does a claim of racial discrimination as set forth in the pleadings strip the disciplinary counsel of an absolute prosecutorial immunity claim?
5. Did the Court of Appeals error when it affirmed the district court's judgment that a disciplinary counsel is entitled to the same absolute prosecutorial

immunity in an administrative hearing as a state criminal prosecutor?

6. Should the 5th Circuit of Appeals have disqualified itself due to a conflict of interest, because it forward directly to defendant, Charles B. Plattsmiere on June 5, 2005, a copy of its order denying appellant's appeal of an 18 month suspension because of his appeal of a penal judgment to that court (5th Circuit) that resulted in one year and a day suspension from the practice of law?
7. Is a claim of prosecutorial immunity defeated by a request for injunctive and declaratory relief?

INTRESTED PARTIES

Pursuant to Supreme Court Rule 14 (1)(B) a list of interest parties are listed as follows:

1. Charles B. Plattsmiere – defendant

2. Rodney Hastings – defendant

3. Billy Pasnell – defendant

4. David G. Sanders, Assistant Attorney General for State of Louisiana

5. Clarence T. Nalls, Jr., Applicant

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF CASE	4-6
REASON FOR GRANTING WRIT	7-11
CONCLUSION	12

APPENDIX TO APPENDICES

APPENDIX A –
OPPINION UNITED STATES DISTRICT COURT 15-28

APPENDIX B –
OPPINION UNITED STATES COURT OF APPEALS 29-31

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

From the Federal Courts:

The opinion of the United States Court of Appeals appears at appendix A, and is unpublished.

The opinion of the United States District Court appears at appendix B and is unpublished.

JURISDICTION OF THE COURT

Specifically, jurisdiction is conferred upon this court pursuant to 28 USC 2106.

The 5th Circuit Court of Appeals rendered a judgment affirming the district court judgment on September 1, 2010.

The district court rendered a judgment April 7, 2010.

CONSTITUTIONAL AND STATUTORY PROVISION

STATUTE

1. 42 USC 1983
2. Constitutional Provision
3. 11th Amendment United States Constitution
4. Due process and equal protection pursuant to the 14th amendment of the United States Constitution

CASE(S)

1. Butz v. Economou 98 S. ct. 2894 (1978)
2. Ford Motor Co. v. Department of The Treasury of The State of Indiana 65 S. ct. 347.
3. In Re Fletcher, C.A. 8 (MO) 2005, 424 F. 3rd 703, rehearing en banc denied 2005 LW 3964579, certiorari denied 265 S. ct. 1827, 547 U.S. 1071, 1640 L. E.D. 2d 519.
4. Manes V Myers, 95S.Ct.584 (1975)
5. O'Dyer v. John Nelson, No. 08-30052 (5th Cir.)

STATEMENT OF CASE

Appellant was held in contempt of court on November 9, 2007 for allegedly failing to turn over a document (last will and testament) to opposing counsel prior to being held in contempt. The court had issued no order requiring appellant to turn over such. In fact, at the time of the order appellant had already filed same into the district court record. A hearing to "show cause" was filed by opposing counsel on August 30, 2007 why appellant should not be held in contempt. Appellant filed a timely answer on October 5, 2007 setting forth the fact that the document[1] had been filed into the court's record on August 15, 2007, along with the docket number. The contempt hearing was held on October 29, 2007. Without an opportunity to be heard, appellant was held in contempt, fined $500 and all cost. Armed with this contempt order, the office of disciplinary counsel proceeded to revoke appellant's probation. Appellant was on probation for filing an appeal

of a penal judgment issued by the U.S. District Court for the Middle District of Louisiana on behalf of a client that resulted in a probation of 2 years with a suspension from the practice of law for 1 year and a day. Appellant appealed that order, to the U.S. 5th Circuit Court of Appeal. That appeal was denied. The 5th Circuit forwarded a copy of its order directly to Charles B. Plattismiere, Chief

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1. The document- last will and testament making client, Samie Williams Jr., universal legatee while naming Henry Williams executor who Samie Jr. did not want as executor because he (Henry Williams) never excepted him because of his illegitimacy.

Disciplinary Counsel, who is now defendant in this matter. A hearing was held on September 23, 2008, to revoke appellant's probation and make the suspension executory[2]. The disciplinary board voted to revoke probation and make the suspension executory. Appellant filed a timely objection to the Louisiana Supreme Court. The objection was denied. A timely application for a rehearing was filed which was denied March 13, 2009. February 22, 2010, appellant filed a complaint in U.S. District Court of Eastern District of Louisiana. That court dismissed same based on defendants facial 12(d) 12(d)(1) motion alleging absolute and quasi-judicial immunity. Appellant filed a timey appeal to the U.S. 5th Circuit Court of Appeals on June 22, 2010. That court affirmed to the district court's ruling on September 1, 2010.

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2. Prior to seeking revocation of probation, appellant had completed all conditions thereof, two years had passed. Prior thereto appellant had no disciplinary record.

REASONS FOR GRANTING WRIT APPLICATION

It has been also 35 years since this court has ruled on the importance of the right of advocacy in the American Judicial System. As the court pointed out in the case of Maness v. Myers, 95 S. ct. 584 (1975), "advocacy is important in our system of government." There appears to be an effort to curtail that right.

The decision of the lower court appears to conflict with the principles of advocacy and this matter is right for reaffirmation and determination by this court pursuant to rule 10. Should the court exercise its supervisory power, it is not expected that a floodgate of litigation would follow since only a handful of cases has followed since Myers. Infra.

Additionally, there is a question whether an administrative agency (counsel) is entitled to absolute prosecutorial immunity the same as a state criminal prosecutor; and when said official is sued in his individual

capacity. The jurisprudence from this court and other circuits is that a suit against a state official in his individual capacity strips them of absolute immunity just as allegations of conspiracy to violate one's rights to life, liberty, and the pursuit of happiness; and rights of due process and equal protection of the law. See Ford Motor Co. v. Department of the Treasure of the State of Indiana, 65 S. ct. 347.

The United States District Court and the 5th Circuit Court of Appeals dismissed appellant's complaint when it granted defendant facial 12(b) 12(b)(1) motion to dismiss holding the defendant's were entitled to absolute and quasi-judicial immunity. See appendix A and B. This goes contra to well settled law.

The district court held, and the 5th Circuit agreed that this court's ruling in Butz v. Economou, 98 S. ct. 2894, "extended absolute immunity to agency officials acting in administrative – adjudication process." Such is a

misinterpretation of the ruling. In Butz, this court specially held, "that Congress decided, after the passage of the Fourteenth Amendment, to enact legislation specifically requiring state officials to respond in federal court for their failures to observe the constitutional limitations on their powers is hardly reason for excusing their federal counterparts for the identical constitutional transgressions". Further, this court held at p. 2910 that, "the action for damages recognized in Bivens could be a vital means of providing redress for persons whose constitutional rights have been violated. The barrier of sovereign immunity is frequently impenetrable. Injunctive or declaratory relief is useless to a person who has already been injured. "For people in Bivens' shoes, it is damages or nothing."

Further, another issue appellant raised in the appeal to the 5th Circuit was the issue of conflicted interest because of its direct communication with defendant Plattismiere.

It, denied the motion to recuse. Appellant believes by sending its judgment directly to defendant Plattsmiere was a non verbal act to take action against him. Thus, it was unlikely the 5th Circuit would be objective in this matter (given Plattsmiere was a defendant before it) and should have recused itself.

The rule set down by the 8th Circuit Court of Appeals relative to recusal is what would the average person on the street believe under the circumstance? See In Re Fletcher, C. A. 8th (MO) 2005, 424 F. 3rd. p. 13. Appellant believes the average person on the street would believe the 5th Circuit should have disqualified itself.

Furthermore, the Code of Judicial Conduct mandates that the courts should avoid even the appearance of impropriety.

Furthermore, appellant's complaint requested declaratory and injunctive relief from disciplinary action for being an advocate on behalf of his client(s); and against

racial discrimination. Likewise, the lower courts granted the defendant's facial 12(b) 12(b)(1) motion to dismiss based on their a claim of absolute and quasi-judicial immunity. Again, we believe rule 10 of this court requires it to invoke its supervisory power to grant this writ application.

Further, the Louisiana State officials show a pattern of disciplinary action based on actions other than professional misconduct. Among other actions, are the arrests for comment by lawyers on matters of public concern. See O'Dyer v. John Nelson, No. 08-30052 (United States 5th Circuit). Such looks like the same actions took against lawyers in the 1940's and 50's who filed civil rights complaints to end "Jim Crow" segregation. The sad thing is that the federal court(s) based in this state refuse to intervene. Thus, it is critical that this court act.

CONCLUSION

This court should grant this writ application because there appears to be an attack on attorneys who advocate on behalf of their clients who pursue basic constitutional remedies. Appellant was punished because he filed an appeal of a penal judgment on behalf of his client. An appeal is a basic constitutional right.

Secondly, appellant was held in contempt of court before any predicate court order.

These actions are no different than those disciplinary actions taken against attorneys who filed civil rights actions to end "Jim Crow" segregation. The very act of disciplining appellant for filing an appeal on behalf of his client and contempt without a predicate order is in itself a badge and incident of "Jim Crow."

RESPECTFULLY SUBMITTED:

IN PROPER PERSON
CLARENCE T. NALLS, JR.
8034 SCENIC HWY.
BATON ROUGE, LA, 70807
(225) 77A4-6335

NO._____

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CLARENCE T. NALLS, JR. – PETITIONER

VS.

CHARLES B. PLATTSIMIERE, ET AL –
RESPONDENT(S)

PROOF OF SERVICE

I, Clarence T. Nalls, Jr., do hereby affirm that I have this day served a copy of the foregoing on all necessary parties by regular mail with sufficient postage this 24th day of November, 2010.

Clarence T. Nalls

CLARENCE T. NALLS, JR.

CERTIFICATE OF COMPLIANCE

NO.:_____

CLARENCE T. NALLS, JR.
Petitioner(s)

v.

CHARLES B. PLATTISIERE, ET AL
Respondent(s)

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 2,058 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20___.

_____
CLARENCE T. NALL, JR.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CLARENCE T. NALLS, JR.	CIVIL ACTION
VERSUS	NO: 10-450
CHARLES PLATTSMIER, ET AL.	SECTION: "S" (4)

ORDER AND REASONS

IT IS HEREBY ORDERED that the Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim upon which Relief Can be Granted, filed by defendants Charles Plattsmier, Rodney Hastings, and Billy Pesnell (Doc, #4), is GRANTED, and the complaint and amended complaint are DISMISSED.

BACKGROUND

Plaintiff, Clarence T. Nalls, Jr., is an attorney licensed to practice law in Louisiana. On April 17, 2006, plaintiff was placed on probation by the Supreme Court of Louisiana with one year and one day suspension from the

practice of law, fully deferred, after he was accused of filing a frivolous appeal on behalf of a client. During plaintiff's probation, he was hired by Sammie Williams, Jr. to probate his father's will. Sammie Williams, Sr.'s will name Henry Williams, his brother, as the executor. Henry Williams hired David Dawson as his attorney. On August 15, 2007, Dawson sent plaintiff a facsimile requesting the original of Sammie Williams, Sr.'s will. The next day, plaintiff filed the original of the will into the record of the 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, and refused to produce it to Dawson. Dawson filed a rule to hold plaintiff in contempt of court. The rule was heard on October 29, 2007, and plaintiff was held in contempt. Plaintiff's filed an appeal of that ruling with the Court of Appeals of Louisiana for the First Circuit.

Dawson also filed a complaint with the Disciplinary Board of the Louisiana State Bar Association (the "Disciplinary Board")[1] against plaintiff regarding his failure to turn over the original of the will. The

Disciplinary Board investigated Dawson's complaint.

On May 30, 2008, defendant Rodney Hastings, Deputy Disciplinary Counsel for the Disciplinary Board, with the consent of his supervisor, defendant Charles Plattsmier, Chief Disciplinary Counsel for the Disciplinary Board, filed a motion with the Disciplinary Board to revoke plaintiff's probation. Hastings later withdrew the motion. On August 25, 2008, and on October 8, 2008, recommended that plaintiff's probation be revoked that the one year and a one day suspension be made executor. Plaintiff filed an objection with the Supreme Court of the State of Louisiana. The Supreme Court of the State of Louisiana overruled plaintiff's objection and denied his motion for rehearing.

Plaintiff filed this action pursuant to 42 U.S.C. § 1983 against Hastings, in his individual capacity as Deputy Disciplinary Counsel for the Disciplinary Board, Plattsmier, in his individual

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[1] The Disciplinary Board is an agency that was created by Section 4 of Rule 19 of the Rules of the Supreme Court of Louisisna and Sections 5(A) and (B) of Article V of the Constitution of the State of Louisiana to administer the attorney disciplinary system in Louisiana. The Supreme Court of Louisiana oversees the Disciplinary Board and hears appeals from its decisions.

capacity as Deputy Disciplinary Counsel for the Disciplinary Board, Plattsmier, in his individual capacity as Chief Disciplinary Counsel for the Disciplinary Board, and Billy Pesnell, in his individual capacity as Chairman of the Disciplinary Board, alleging that they violated his due process and equal protection rights in their actions regarding the revocation of his probation.[2] Defendants filed a motion to dismiss arguing that they are entitled to absolute prosecutorial or judicial immunity.[3] Plaintiff contends that defendants are not entitled to absolute immunity because the Disciplinary Board is an administrative agency that does not perform judicial or quasi-judicial acts, and Hastings' and Plattsmier's functions were administrative, not prosecutorial.

ANALYSIS

1. Legal Standard

Federal Rule of Civil Procedure 12(b)(6) permits a motion to dismiss a complaint for failure to state a claim upon which relief can be granted. To survive a Rule 12(b)(6) motion to dismiss, the plaintiff must plead enough facts to state a claim to relief that is plausible on its face. In re Katrina Canal Breaches Litigation, 495 F.3d 191, 205 (5th Cir. 2007) (quoting Bell Atlantic v. Twombly, 127 S. Ct. 1955, 1964-65 & 1973 n. 14 (2007). "Factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true (even if doubtful in fact)." Id. at 1965.

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[2] Plaintiff confirmed in his opposition to defendants' motion to dismiss that all claims against defendants are brought in their individual capacities, and not in their official capacities. Thus, defendants' arguments regarding Eleventh Amendment immunity need not be addressed.

[3] In addition to arguing that they are entitled to absolute immunity and Eleventh Amendment immunity, defendants argue that plaintiff's claims are barred by the Rooker-Feldman Doctrine and that they are entitled to qualified immunity. The court finds it unnecessary to address these arguments due to its finding of absolute immunity.

2. **Absolute Prosecutorial Immunity**

Hastings and Plattsmier argue that they are entitled to absolute immunity against plaintiff's lawsuit because plaintiff's claims arise out of their prosecutorial functions in that plaintiff alleges that they violated his civil rights with respect to their filing a motion to revoke his probation. Plaintiff argues that Hastings and Plattsmier are not entitled to absolute immunity because they are employees of the Disciplinary Board, which is an administrative agency, and their function of investigating claims against attorneys, presenting those claims to the board, and making recommendations regarding the claims are investigate and administrative, not prosecutorial.

Prosecutors are entitled to absolute immunity for acts performed as advocates of the state Imbler v. Pachtman, 96 S. Ct. 984, 995, n. 33 (1976). "Prosecutorial immunity applies to the prosecutor's actions in initiating the prosecution and in carrying the case through the

judicial process. Boyd v. Biggers, 31 F.3d. 279, 285 (5th Cir. 1994). A prosecutor's absolute immunity also extends to "actions preliminary to initiation of a prosecution and actions apart from the courtroom." Buckley v. Fitzsimmons, 113 S. Ct. 2606, 2615 (1993) (quoting Imbler, 96 S. Ct. at 995, n. 33). Further, "[a]bsolute immunity shelters prosecutors even when they act maliciously, wantonly or negligently." Rykers v. Alford, 832 F.2d 895, 897 (5th Cir. 1987). Such absolute immunity is necessary due to the "concern that harassment by unfounded litigation would cause a deflection of the prosecutor's energies from his public duties, and the possibility that he would shade his decisions instead of exercising the independence of judgment required by his public trust." Imbler, 96 S. Ct. at 991.

In Butz v. Economou, 98 S. Ct. 2894 (1978), the Supreme Court of the United States extended absolute immunity to agency officials acting in administrative

adjudication processes. The court analogized the agency hearing examiners and prosecutors to their judicial counterparts and found that the risk of the agency hearing examiners and prosecutors committing unconstitutional acts was outweighed by the need to preserve their independent judgment. Id. at 2915.

The United States Court of Appeals for the Fifth Circuit extends absolute immunity to members of administrative boards that regulate lawyers. See Austin Mun. Sec., Inc. v. Nat'l Ass'n of Sec. Dealers, Inc., 757 F. 2d 676, 690 (5th Cir. 1985). The absolute immunity includes persons who act as disciplinary counsel in front of the Disciplinary Board when they bring and present disciplinary actions. See Forman v. Ours, 804 F. Supp. 846, 868, aff'd, 996 F.2d 306 (5th Cir. 1993).

Plaintiffs claims against Hastings and Plattsmier arise out of their functions as disciplinary counsel who practices in front of the Disciplinary Board. Specifically,

plaintiff alleges that they violated his constitutional rights when they acted to obtain a revocation of his two year probation, which are prosecutorial functions. Therefore, Hastings and Plattsmier are entitled to absolute immunity, and plaintiff's claims against them are dismissed.

3. Absolute Judicial Immunity

Pesnell argues that he is entitled to absolute immunity against plaintiff's lawsuit because plaintiff's claims arise out of his judicial function as the Chairman of the Disciplinary Board, and plaintiff alleges that Pesnell violated his civil rights with respect to the Disciplinary Board's actions in revoking his probation. Plaintiff argues that Pesnell is not entitled to absolute immunity because Pesnell does not perform judicial acts as the Chairman of the Disciplinary Board, an administrative agency.

It has long been held that "[a] judge, of whatever status in the judicial hierarchy, is immune from suit for damages resulting from any action performed in his judicial

role," even when such acts are in excess of his jurisdiction, and are alleged to have been performed maliciously or corruptly. Ammons v. Baldwin, 705 F.2d 1445, 1447 (5th Cir. 1983) (internal citations omitted); Bradley v. Fischer, 80 U.S. (13 Wall.) 335, 351 (1871). The Supreme Court of the United States has explained:

> Like other forms of official immunity, judicial immunity is an immunity from suit, not just from ultimate assessment of damages. Accordingly, judicial immunity is not overcome by allegations of bad faith or malice, the existence of which ordinarily cannot be resolved without engaging in discovery, and eventual trial.

Mireles v. Waco, 112 S. Ct. 286, 288 (1991). As explained above, the Supreme Court of the United States extended absolute immunity to agency hearing examiners, see Butz, 98 S. Ct. at 2913-15, and the United States Court of Appeals for the Fifth Circuit has held that members of administrative boards that regulate lawyers are entitled to

absolute immunity, see Austin Mun. Sec., Inc., 757 F.2d at 690.

However, the Supreme Court has recognized only two instances in which judicial immunity is inapplicable:

> [O]ur cases make clear that the immunity is overcome in only two sets of circumstances. First, judge is not immune from liability for nonjudicial actions, *i.e.*, actions not taken in the judge's judicial capacity. Second, a judge is not immune for actions, through judicial in nature, taken in the complete absence of jurisdiction.

Mireles, 112 S. Ct. at 288.

Regarding the first exception, the Supreme Court has explained:

> The relevant cases demonstrate that the factors determining whether an action by a judge is a "judicial" one relate to the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectations of the parties, i.e., whether they dealt with the judge in his judicial capacity.

Stump v. Steward, 98 S. Ct. 1099, 1107 (1978)

More specifically, in determining whether a judge's actions were judicial in nature, the court should consider: (1) whether the precise act complained of is a normal judicial function; (2) whether the acts occurred in the courtroom or appropriate adjunct spaces, such as the judge's chambers; (3) whether the controversy centered around a case pending before the court; and (4) whether the acts arose directly out of a visit to the judge in his official capacity. Malina v. Gonzales, 994 F.2d 1121, 1124 (5th Cir. 1993) (citing McAlester v. Brown, 469 F.2d 1280, 1282 (5th Cir. 1972).

Plaintiff alleges that as the Chairman of the Disciplinary Board, Pesnell knew or should have known that Hastings and Plattsmier were violating his civil rights in their actions regarding the revocation of his probation. Plaintiff also alleges that the Disciplinary Board violated his civil rights in its actions regarding the revocation of his

probation.[4] These acts are part of Pesnell's function as Chairman of the Disciplinary Board, and arose out of the disciplinary action

[4] It appears that plaintiff named Pesnell, in his individual capacity as Chairman of the Disciplinary Board, in order to avoid Eleventh Amendment immunity that is enjoyed by the Disciplinary Board as an arm of the state, although plaintiff's claims, including a claim for an injunction, are against the Disciplinary Board, not Pesnell. Champagne v. Jefferson Parish Sheriff's Office, 188 F.3d 312, 313 (5th Cir. 1999) (citing Voisin's Oyster House v. Guidry, 799 F.2d 183, 185 (5th Cir. 1986); see also Forman, 804 F. Supp. 846, Aff'd, 996 F.2d 306.

against plaintiff. Therefore, Pesnell is entitled to absolute immunity, and pleintiffs's claims against him are dismissed.

CONCLUSION

IT IS HEREBY ORDERED that the Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a claim upon which Relief Can be Granted, filed by defendants Charles Plattsmier, Rodney Hastings, and Billy Pesnell (Doc. #4), is **GRANTED**, and the complaint and amended complaint are **DISMISSED.**

New Orleans, Louisiana, this 7th day of April, 2010.

MARY ANN VIAL LEMMON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATE COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 10-30351
Summary Calendar

United States
Court of
Appeals
FILED
September 1,
2010

Lyle W. Cayce
Clerk

CLARENCE T. NALLS, JR.,

Plaintiff – Appellant

v.

CHARLES B. PLATTSMIERE, IN HIS INDIVIDUAL CAPACITY AS Chief Disciplinary Counsel for the Louisiana Disciplinary Board; RODNEY HASTINGS, in his individual capacity as Deputy Disciplinary Counsel for the Louisiana Disciplinary Board; BILLY PESNELL, in his individual capacity as Chairman of the Louisiana Disciplinary Board,

Defendant – Appellees

Appeal from the United States District Court
For the Eastern District of Louisiana
USDC No. 2:10-CV-450

Before REAVLEY, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:

The request to recuse is rejected. No conflict of interest exists and appellant complains only of action consistent with the judicial duties of this court.

Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH Cir. R. 47. 5.4.

Appellant has failed to state a viable complaint. His problem is only with the exercise of the disciplinary responsibility of the defendants. As the district court has correctly explained, absolute prosecutorial and judicial immunity bar this action.

AFFIRMED.

CERTIFICATE OF COMPLIANCE

NO.:_____

CLARENCE T. NALLS, JR.
Petitioner(s)

v.

CHARLES B. PLATTISIERE, ET AL
Respondent(s)

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 2,058 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20___.

_____
CLARENCE T. NALL, JR.